



## GENERAL STATUTES COMMISSION

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To: General Statutes Commission  
From: P. Bly Hall, Assistant Revisor of Statutes  
Re: General Statutes Commission "Housekeeping" Matters  
Date: November 2, 2017

This item is on the General Statutes Commission's agenda primarily to consider three issues concerning the Charlotte School of Law's slot on the Commission, plus two additional possible changes to the Commission's statutes.

From all the staff can discover from the media and the internet, the Charlotte School of Law closed effective August 11, 2017, or thereabouts. Its appointee to the Commission, Mr. Robert Jenkins, sent an e-mail to the Revisor resigning from the Commission in light of the school's closure. After trying unsuccessfully to contact someone at the school by telephone or e-mail, the Revisor sent a letter to the school's president on September 27 informing him of Mr. Jenkins' e-mail. A copy of that letter should accompany this memorandum.

Issue no. 1 is whether the Commission would like us to do anything additional to follow up with the school in light of the fact that we have heard nothing in response to the Revisor's letter.

Issue no. 2 is what to do about the remainder of Mr. Jenkins' term. The expiration date would be May 31, 2019. G.S. 164-14(d) provides in part that

[i]f any member of the Commission dies or resigns during the term for which he was appointed, his successor for the unexpired term shall be appointed by the person who made the original appointment, as provided in G.S. 164-14, or by the successor of such person; and if such vacancy is not filled within 30 days after the vacancy occurs, it shall then be filled by appointment by the Governor.

Given that G.S. 164-14(a) specifically sets the membership of the Commission at 14 members and that G.S. 164-14(d) provides for an appointment by the Governor in default of an appointment by the original appointing authority to fill a vacancy created by a resignation, it appears to us that we should notify the Governor so that he can appoint someone to fill Mr. Jenkins' unexpired term. We need to know whether the Commission agrees with this reading of the statute.

Issue no. 3 is what to do about the Charlotte School of Law's "slot" for the future. G.S. 164-14(a)(13) ("The Commission shall consist of 14 members, who shall be appointed as follows: ... (13) One member, by the dean of the Charlotte School of Law (NC), Inc.") needs to be amended, either to substitute a new appointing authority or to repeal the subdivision and adjust the membership number. To avoid appointment questions in the future, this amendment would need to be enacted before late April or May of 2019, the normal time for making a new appointment. Since 2019 would be a "long" session year, and it can be difficult to have legislation actually enacted that early in the year, the Commission should consider having its recommendation for corrective legislation ready for the 2018 "short" session.

The two other possible changes to the Commission's statutes would be (i) overhauling G.S. 164-14(d) to harmonize it with subsection (f) of that section and (ii) adjusting the terms of Commission members to start September 1 rather than June 1, to align better with the Commission's typical meeting cycle. Copies of the statute will be available at the November 3, 2017, meeting for discussion.

Please let me know if you have any questions.